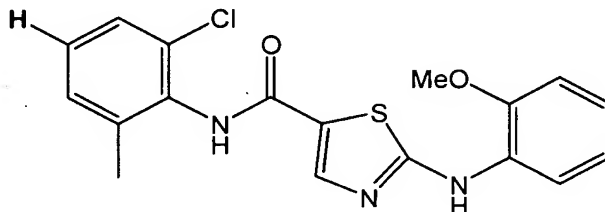


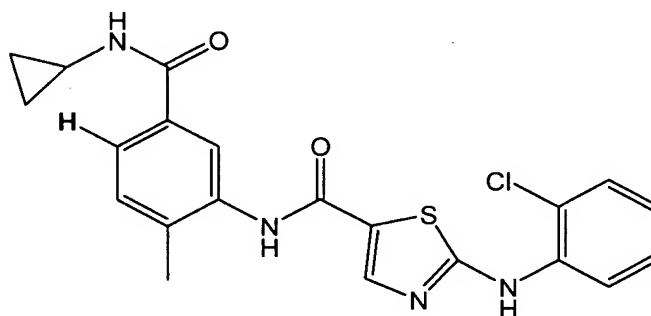
REMARKS

35 U.S.C. § 103(a)

Claims 1, 6, 8-10, 14 and 17 stand rejected as being obvious positional isomers over Compound 559 of U.S. Pat. No. 6,596,746 and compound 33 of U.S. Pat. Publication 2004-0220233. Examples 559 and 33 have the following structures, respectively:



and



Example 33 (bottom structure), was cited as a positional isomer. However, the definitions of R⁴, R⁸ and R⁹, do not allow for an amide on the ring in question. Accordingly, Example 33 cannot be a positional isomer.

Example 559 (top) was cited as a positional isomer that makes the pending claims obvious. It should be noted that Applicants have amended the claims in order to facilitate prosecution in this case. Looking at the '746 reference as a whole, of the relevant aminothiazoleamides, every example has the pending R⁴ element as either H, CH₃ or OCH₃. These elements are not within the pending claims. Accordingly, the reference teaches away from the pending claims wherein R⁴ is not H, CH₃ or OCH₃. Additionally, Applicants have amended the claims to require a 2,4-substitution on the thiazole and thiazole analog rings. All of the aminothiazole amides of the '746 reference have a 2,5-thiazole substitution. Accordingly, the reference also teaches away from the current claims regarding the substitution of the thiazole ring.

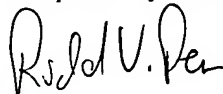
In light of teaching away of the cited references, the Applicants respectfully request that the obviousness rejections be withdrawn.

Applicants' attorney sincerely and respectfully requests that the Examiner consider a telephone (805 447-3299) or personal interview to resolve any outstanding issues deemed appropriate by the Examiner.

Please send all future correspondence to:

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